

U.S. Department of Justice

United States Attorney  
Southern District of New York  
Civil Division

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c/o Social Security Administration tel: (212) 264-2524  
Office of the General Counsel fax: (212) 264-6372  
6401 Security Boulevard,  
Baltimore, MD 21235

June 14, 2023

MEMORANDUM ENDORSED

Via CM/ECF

Hon. Gabriel W. Gorenstein  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Mirabito v. Kijakazi*  
Civil Action No. 22-cv-06044-GWG  
Request for Extension of Deadline *nunc pro tunc*

Dear Judge Gorenstein:

This Office represents the Acting Commissioner of Social Security (Commissioner), the Defendant in this matter. The undersigned writes respectfully to request a one-day *nunc pro tunc* extension of the deadline for filing the Commissioner's Cross-Motion for Judgment on the Pleadings and Opposition to Plaintiff's Motion for Judgment on the pleadings (the Commissioner's Motion). The Commissioner's response was due on June 13, 2023. I respectfully request one additional day, until June 14, 2023, to file the Commissioner's Motion.

Due to the number and complexity of the issues involved, and to technical problems that arose on Monday and Tuesday, the Commissioner was not able to complete and file her motion by the end of the day on June 14, 2023. The motion was filed as soon as possible after it was completed.

Due to the late hour, I have not attempted to contact Plaintiff's counsel to seek his consent. I will contact counsel on June 14 and advise the Court of Plaintiff's response upon receipt.

I apologize to the Court, to Plaintiff, and to Plaintiff's counsel for any inconvenience occasioned by this request. I thank the Court for its consideration.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

BY: s/ Victoria S. Treanor  
Victoria S. Treanor  
Special Assistant U.S. Attorney  
Office of Program Litigation, Office 2  
Office of the General Counsel  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235  
(212) 264-2524  
victoria.treanor@ssa.gov

cc (via ECF): Daniel Berger, Esq., Attorney for Plaintiff

Application granted.

So Ordered.

  
GABRIEL W. CORENSTEIN  
United States Magistrate Judge

June 14, 2023